

## Kirk T. Bradley

Partner

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Kirk Bradley is a partner with the Intellectual Property Litigation Group and the leader of Alston & Bird's Federal Circuit Appellate Team. He focuses his practice on litigation and counseling in complex patent cases during discovery, trial, and appeal. His experience encompasses a variety of technologies, including marine electronics and sonar, smart meter technologies, financial services, medical devices, wireless telecommunications and networking, pharmaceuticals, and software programs.

Kirk's practice includes appellate matters before the Federal Circuit, where he has represented appellants, appellees, intervenors, and amici curiae. He is a former law clerk to the Honorable Pauline Newman of the Federal Circuit.

Kirk has led trial teams to victories in both district court and the International Trade Commission. Kirk also regularly handles inter partes review proceedings, where he has represented both petitioners and patent owners. Kirk frequently counsels clients on how to manage or avoid patent issues affecting their business, including providing legal opinions and advising clients on corporate transactions.

Kirk is a frequent author and speaker on developments in patent law. For nine years, he has been the managing editor of Alston & Bird's weekly *Federal Circuit Patent Case Summaries* and the annual Federal Circuit Annual Review. He is recognized yearly in *The Best Lawyers in America*® for both patent law and patent litigation and was the Best Lawyers® 2014–2015 Patent Law "Lawyer of the Year" in Charlotte.

### **Representative Experience**

- Appellate counsel for a worldwide leader in drilling and pneumatic conveyance systems and equipment.
- Appellate counsel for a century-old developer and manufacturer of ductile iron products.
- Litigation, IPR, trial, and appellate counsel for the worldwide market leader for marine electronics in federal district courts and the International Trade Commission.
- Appellate counsel for an alliance of seven corporate manufacturers of rare-earth magnets.
- Appellate counsel for North America's leading manufacturer for wire and cable used in the distribution and transmission of electricity.
- Litigation, IPR, and appellate counsel for one of the largest pharmaceutical companies in the world.
- Litigation and trial counsel for a global innovator and manufacturer of medical devices used to treat structural heart defects and abnormal blood vessels.
- Litigation and IPR counsel for a global leader for packaging and specialty materials.
- Litigation counsel for one of the world's largest cellular communications companies in patent cases in federal district courts and the International Trade Commission.

- Litigation and trial counsel for a pioneering company in the area of real-time 3D ultrasound imaging equipment.
- Litigation counsel for retailers defending allegations of patent infringement by patent-holding companies and nonpracticing entities.
- IPR counsel for both patent owners and petitioners before the USPTO's Patent Trial and Appeal Board.
- IP due diligence counsel for a worldwide company in connection with a corporate acquisition involving more than 300 patents.

## **Representative Cases**

- Appellate counsel for McWane Inc. in a matter involving centrifugally cast tapered poles. No. 2017-2343 (Fed. Cir.).
- Trial counsel for Navico (Lowrance) in a case involving marine electronics, resulting in a finding of willful infringement and compensatory damages of \$38.755 million. *Navico Inc., et al. v. Garmin International Inc., et al.*, No. 2:16-cv-00190 (E.D. Tex.).
- Trial counsel for Navico (Lowrance), resulting in a recommended ITC civil penalty of \$37 million. *Certain Marine Sonar Imaging Devices, Including Downscan and Sidescan Devices, Products Containing the Same, and Components Thereof*, ITC Inv. No. 337-TA-921 (Enforcement).
- Trial and appellate counsel for complainant Navico (Lowrance). *Certain Marine Sonar Imaging Devices, Including Downscan and Sidescan Devices, Products Containing the Same, and Components Thereof*, ITC Inv. No. 337-TA-921.
- Trial counsel in a case involving medical devices. *Medtronic Inc. v. AGA Medical Corp.*, No. 3:07-cv-00567 (N.D. Cal.).
- Trial counsel in cases involving medical ultrasound imaging equipment. *Volumetrics Medical Imaging LLC v. GE Healthcare, et al.*, No. 05-cv-00955 (M.D.N.C.).
- Trial and appellate counsel in a case involving patents and trade secrets concerning nonwovens, electrostatics and manufacturing equipment. *BBA Nonwovens Inc., et al. v. Superior Nonwovens LLC, et al.*, No. 6:00-cv-02764 (D.S.C.).
- Trial counsel in a case involving paint films. *Rexam Industries Corp. v. Eastman Kodak Co., et al.*, No. 3:95-cv-00062 (W.D.N.C.).
- Appellate counsel in a case involving treatments for symptoms associated with folate deficiency. *Merck & Cie, et al. v. Gnosis S.p.A., et al.*, Nos. 2014-1778, -1779, -1780, -1781 (Fed. Cir.) and No. 16-125 (U.S.).
- Litigation counsel in a case involving marine sonar technologies. *Navico Inc., et al. v. Garmin International Inc., et al.*, No. 14-cv-00303 (N.D. Okla.).
- Litigation and IPR counsel for complainant Navico against Raymarine in a case involving marine sonar technologies. *Certain Marine Sonar Imaging Devices, Products Containing the Same, and Components Thereof*, ITC Inv. No. 337-TA-898.
- Litigation counsel in a case involving medical foods. *Merck & Cie, et al. v. Macoven Pharmaceuticals, et al.*, No. 6:12-cv-00027 (E.D. Tex.).
- Litigation counsel in a case involving sidescan marine sonar technologies. *Johnson Outdoors Inc., et al. v. Navico Inc.*, No. 2:10-cv-00067 (M.D. Ala.).

- Litigation counsel in a case involving components for medical x-ray machines. *Sedecal v. DRGEM Corp., et al.*, No. 1:10-cv-00159 (W.D.N.C.).
- Litigation and appellate counsel in a case involving debit card verification systems. *RealSource Inc. v. Best Buy Co. Inc., et al.*, No. 04-cv-00771 (W.D. Tex.) and No. 2007-1387 (Fed. Cir.).
- Litigation counsel in a case involving trade secrets concerning high tensile strength house wrap. *PCI Systems Inc. v. Fiberweb Inc.*, No. 08-cv-00595 (N.D. Ill.).
- Litigation counsel in a case involving cargo container tracking systems. *APS Technology Group v. Paceco Corp.*, No. 06-cv-03818 (C.D. Cal.).
- Litigation counsel for Nokia in a case against Apple involving wireless telecommunications patents in the ITC and the District of Delaware. *Certain Mobile Communications and Computer Devices and Components Thereof*, ITC Inv. No. 337-TA-704, and *Certain Personal Data and Mobile Communications Devices and Related Software*, ITC Inv. No. 337-TA-710.
- Litigation counsel in a case involving gas-powered electromechanical fluid systems. *American Biophysics Corp. v. Blue Rhino*, No. 03-cv-00334 (D.R.I.).
- Litigation counsel for Jazz Semiconductor Inc. against Plasma Physics Corp. in a case involving semiconductor integrated circuits. *Plasma Physics Corp. v. Conexant Systems Inc., et al.*, No. 02-cv-03473 (E.D.N.Y.) and *Certain Semiconductor Integration Circuits Using Tungsten Metallization and Products Containing Same*, ITC Inv. No. 337-TA-648.
- Litigation counsel in a case involving cervical cancer screening systems and cell preservative fluids. *Cytec Corp. v. TriPath Imaging Inc.*, No. 03-cv-11142 (D. Mass.).
- Litigation counsel in a case involving alleged unfair and deceptive trade practices and other claims concerning computer software. *Kaplan Inc. v. PeopleSoft, et al.*, No. 01-cv-00202 (M.D.N.C.).
- IPR counsel for petitioners in the following cases: IPR2019-00865, IPR2018-01307, IPR2018-01306, IPR2018-00375, IPR2018-00374, IPR2018-00372, IPR2018-00371, IPR2018-00339, IPR2018-00338, IPR2018-00336, IPR2017-01199, IPR2015-00573, IPR2015-00572, IPR2015-00571, IPR2015-00570, IPR2013-00558, IPR2013-00557, IPR2013-00556, IPR2013-00555, and IPR2013-00554.
- IPR counsel for patent owners in the following cases: IPR2013-00497, IPR2013-00496, and IPR2013-00355.

## **Publications & Presentations**

### **Publications**

- Patent Case Summaries | Week Ending August 30, 2019
- Patent Case Summaries | Week Ending August 23, 2019
- Patent Case Summaries | Week Ending August 16, 2019
- Patent Case Summaries | Week Ending August 9, 2019
- Patent Case Summaries | Week Ending August 2, 2019
- Patent Case Summaries | Week Ending July 26, 2019
- Patent Case Summaries | Week Ending July 12, 2019
- Patent Case Summaries | Week Ending July 5, 2019
- Patent Case Summaries | Week Ending June 28, 2019

- Patent Case Summaries | Week Ending June 21, 2019
- Patent Case Summaries | Week Ending June 14, 2019
- Patent Case Summaries | Week Ending May 31, 2019
- Patent Case Summaries | Week Ending May 24, 2019
- Patent Case Summaries | Week Ending May 17, 2019
- Patent Case Summaries | Week Ending May 10, 2019
- Patent Case Summaries | Week Ending May 3, 2019
- Patent Case Summaries | Week Ending April 26, 2019
- Patent Case Summaries | Week Ending April 19, 2019
- Patent Case Summaries | Week Ending April 12, 2019
- Patent Case Summaries | Week Ending April 5, 2019
- Patent Case Summaries | Week Ending March 29, 2019
- Patent Case Summaries | Week Ending March 22, 2019
- Patent Case Summaries | Week Ending March 15, 2019
- Patent Case Summaries | Week Ending March 8, 2019
- Patent Case Summaries | Week Ending March 1, 2019
- Patent Case Summaries | Week Ending February 22, 2019
- Patent Case Summaries | Week Ending February 15, 2019
- Patent Case Summaries | Week Ending February 8, 2019
- Patent Case Summaries | Week Ending February 1, 2019
- Patent Case Summaries | Week Ending January 25, 2019
- Patent Case Summaries | Week Ending January 12, 2019
- “What to Expect for Post-Grant Proceedings in 2015,” *Inside Counsel*, February 25, 2015.
- Federal Circuit Patent Case Summaries for the Week Ending December 28, 2012
- “Federal Circuit Changes the Standard for Induced Infringement of Method Patents,” *Intellectual Property & Technology Law Journal*, Vol. 24, No. 12, December 2012.
- *2012 Federal Circuit Annual Review*, 2004–2011 eds., Wolters Kluwer Law & Business, 2004–2011.
- “Royalty Rate Trends and Valuation in Patent and Technology Licensing,” *2009 Licensing Update*, *Aspen Law & Business*, March 2009 and prior annual editions 1999-2008.

## **Professional & Community Engagement**

- Federal Circuit Bar Association, Amicus Committee, Rules Committee, Patent Litigation Committee

## **Education**

- University of South Carolina (J.D., 1999)
- Clemson University (B.S., 1996)

## *Admitted to Practice*

- U.S. Patent and Trademark Office
- North Carolina

## *Related Services*

Appellate | Intellectual Property | Intellectual Property Litigation | Patent Litigation | Post Grant Proceedings  
| Inter Partes & Covered Business Method Review